

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.) NO. 3:02-00097
)
AMILCAR BUTLER) JUDGE CAMPBELL
)

ORDER

Pending before the Court is Defendant Butler's Petition For Return Of Seized Property (Docket No. 195). Through the Motion, the Defendant requests the return of certain property, including \$5,700, school books, basketball tapes, pictures, clothes, and miscellaneous paperwork, that was seized by Metro police officers and agents of the Tennessee Bureau of Investigation when he was arrested. The Defendant bases his request on Rule 41(g) of the Federal Rules of Criminal Procedure, which provides:

(g) Motion to Return Property. A person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property's return. The motion must be filed in the district where the property was seized. The court must receive evidence on any factual issue necessary to decide the motion. If it grants the motion, the court must return the property to the movant, but may impose reasonable conditions to protect access to the property and its use in later proceedings.

In its Response (Docket No. 202), the Government indicates that the property requested was seized by state and local officers, but does not provide any specific information about whether any of the property was used as evidence in this case, or has otherwise been in the custody or control of the federal government. Accordingly, in order to "receive evidence" necessary to decide the pending request, the Court orders the Government to provide specific

information, in the form of an affidavit, regarding the requested property on or before January 28, 2013.

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE